

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>CEDRICK J. GRAHAM, #B87484,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 3:21-cv-00340-SMY</b>
	)	
<b>GANNON RICHELMAN, et al.,</b>	)	
	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

**YANDLE, District Judge:**

This matter is before the Court on Defendant Wexford Health Sources, Inc.’s Motion for Judgment on the Pleadings (Doc. 32). Plaintiff is proceeding on a state law medical negligence claim against Defendant Wexford under the theory of *respondeat superior* based on Nurse Jane Doe 1’s alleged failure to provide Plaintiff medical care for flu-like symptoms and injuries from an alleged May 14, 2019 assault. Wexford seeks a judgment on the pleadings and a dismissal with prejudice.

Federal Rule of Civil Procedure 12(c) allows a party to move for judgment on the pleadings after the pleadings are closed. “Judgment on the pleadings is appropriate when there are no disputed issues of material fact and it is clear that the moving party ... is entitled to judgment as a matter of law.” *Unite Here Local 1 v. Hyatt Corp.*, 862 F.3d 588, 595 (7th Cir. 2017). A district court is confined to matters in the pleadings and must consider the pleadings in the light most favorable to the non-moving party. *Id.*

Wexford argues the disciplinary report attached to Plaintiff’s Complaint demonstrates that Plaintiff’s negligence claim is an impermissible collateral attack on an administrative decision and

disproves his negligence claim. Because the Adjustment Committee's Final Summary Report was not attached to the Complaint, the Court cannot determine at this juncture whether Plaintiff's claim is barred under the *Heck* doctrine. Moreover, Wexford's challenge only applies to Plaintiff's claim for the failure to provide care for flu-like symptoms, not the alleged failure to provide treatment for injuries from an assault. The motion is therefore **DENIED**.

**IT IS SO ORDERED.**

**DATED: July 20, 2022**

*s/ Staci M. Yandle*  
**STACI M. YANDLE**  
**United States District Judge**